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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,762	07/30/2001	Bernando A. Huberman	10018178-2	2756

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EXAMINER

OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/918,762	<b>Applicant(s)</b> HUBERMAN, BERNANDO A.	
	<b>Examiner</b> OJO O. OYEBISI	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/19/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19, 21-22, and 28 are rejected under 35 U.S.C. 102(B) as being anticipated by Paltenghe et al (Paltenghe hereinafter, EP 0 917 119 A2).

**Re claim 19.** Paltenghe discloses a method for data transaction, comprising the steps of: receiving a telephone call from a user on a telephone network; providing secure access to a data file containing data items previously input by the user (i.e., see “the information in this scenario is originally entered by the consumer,” see col.10 lines15-20); selecting a data item from the data file, in response to a command from the user; and outputting the selected data item to the user over the telephone network (i.e., Paltenghe discloses/teaches a remote information bank system for the storage of important document, see col.12 lines 45-50, wherein the consumers interface/communicate with this information bank by conventional means such as a telephone modem, or cable modem, see col.8 lines 30-55).

**Re claims 21 and 22.** Paltenghe further discloses the method of claim 19, wherein the selecting step includes the step of selecting a numerical data item and textual data item.(i.e., static identification data, dynamic personal data and demographic data, see col.9 lines 5-40).

**Re claim 28.** Claim 28 recites similar limitations to claim 19, and thus rejected using the same art and rationale in the rejection of claim 19.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcelou (6,945,457) in view of Paltenghe.

**Re claim 1.** Barcelou discloses a method for data transaction, comprising the steps of: receiving an Automated Teller Machine (ATM) card from a user at an ATM; selecting a data item from the data file in response to a command from the user; and outputting the selected data item to the user from the ATM (see fig.5, also see col.3 lines 15-25).

Barcelou does not explicitly disclose providing secure access to a data file containing data items previously input by the user. However, Paltenghe discloses providing secure access to a data file containing data items previously input by the user (i.e., see "the information in this scenario is originally entered by the consumer," see col.10 lines 15-20, also a remote information bank system for the storage of important document, see col.12 lines 45-50, wherein the consumers interface/communicate with this information bank by conventional means such as a telephone modem, or cable modem, see col.8 lines 30-55). Thus it would have been obvious to one of ordinary skill in the art to

Art Unit: 3628

combine the teachings of Barcelou with that of Paltenghe to provide for secure backup and storage; as well as for “ubiquitous and “nomadic” access to users in case of accident or emergency.

**Re claim 2.** Barcelou discloses the method of claim 1, wherein the selecting step includes the step of selecting an audible data item (i.e., audio services, see col.3 line 35).

**Re claims 3 and 4.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting a numerical data item and textual data item (i.e., selection of traditional ATM services, see col.3 lines 25-30).

**Re claim 5.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting a pictorial data item (i.e., photographic services, see col.3 lines 48-49).

**Re claim 6.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting an e-mail (i.e., internet services/mail services, see col.3 line 41 and col.3 line 66).

**Re claim 7.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting a set of drawings (i.e., design services, see col.3 line 64).

**Re claim 8.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting a photo (i.e., photographic services, see col.3 lines 48-49).

**Re claim 9.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting an address book (i.e., directory services, see col.3 lines

Art Unit: 3628

37-39).

**Re claim 10.** Barcelou further discloses the method of claim 1, wherein the selecting step includes the step of selecting medical information (i.e., medical services and information services, see col.3 line 57, also see col.3 line 61).

**Re claim 11.** Barcelous does not explicitly disclose the method of claim 1 further comprising the steps of: inputting a new data item from the user; and storing the new data item in the data file. However, Paltenghe makes this disclosure (see the abstract). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Barcelou with that of Paltenghe to provide for secure backup and storage; as well as for "ubiquitous and "nomadic" access to users in case of accident or emergency.

**Re claim 12.** Neither Barcelou nor Paltenghe discloses the method of claim 11, wherein the inputting step includes the step of scanning in the new data item. However, the step of scanning in data is old and well known in the art. Thus it would have been obvious to one of ordinary skill in the art to incorporate what is old and well know in the art into the combination of Barcelou and Paltenghe to safe data entry time.

**Re claim 13.** Barcelou does not explicitly disclose The method of claim 11, wherein the inputting step includes the step of keying in the new data item. . However, Paltenghe makes this disclosure (see the abstract). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Barcelou with that of Paltenghe to provide for secure backup and storage; as well as for "ubiquitous and "nomadic" access to users in case of accident or emergency.

Art Unit: 3628

**Re claim 14.** Barcelou explicitly disclose a recording services in addition to traditional ATM services (see col.3 lines 15-67, particularly line 67). However, Barcelou does not explicitly disclose the method, wherein the inputting step includes the step of recording the new data item. However, Paltenghe explicitly makes this disclosure (i.e., securely store important documents, see col.12 lines 45-50). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Barcelou with that of Paltenghe to provide for secure backup and storage; as well as for “ubiquitous and “nomadic” access to users in case of accident or emergency.

**Re claim 15.** Barcelou further discloses the method of claim 1, wherein the outputting step includes the step of displaying a visual image of the data item (see col.4 lines 50-65, also see col.5 lines 25-35).

**Re claim 16.** Barcelou further discloses the method of claim 1, wherein the outputting step includes the step of playing an audible recitation of the data item (i.e., stereo speaker, col.4 lines 55-57).

**Re claim 17.** Barcelou further discloses the method of claim 1, wherein the outputting step includes the step of printing out the data item (i.e., provides other printed materials to the receipt, see col.5 lines 1-11).

**Re claim 18.** Barcelou does not explicitly disclose the method of claim 1 further comprising the step of: outputting a certificate which authenticates the data item. However, Paltenghe makes this disclosure (see col.11 lines 20-40). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Barcelou with

that of Paltenghe to provide for secure backup and storage; as well as for "ubiquitous and "nomadic" access to users in case of accident or emergency.

**Re claims 25-27.** Barcelou discloses a computer-usable medium embodying computer program code for commanding a computer to execute data transactions comprising the steps of: receiving an Automated Teller Machine (ATM) card from a user at an ATM (see fig.5); authenticating the ATM card and the user (i.e., Barcelou discloses traditional ATM services, see col.3 lines 25-30, which inherently involves authentication of user's PIN); selecting a data item from the data file, in response to a command from the user; outputting the selected data item to the user from the ATM (see fig.5, also see col.3 lines 15-25). Barcelou does not explicitly disclose providing secure access to a data file containing data items previously input by the user; outputting a certificate which authenticates the data item; inputting a new data item from the user; and storing the new data item in the data file. However, Paltenghe discloses providing secure access to a data file containing data items previously input by the user (i.e., see "the information in this scenario is originally entered by the consumer," see col.10 lines 15-20, also a remote information bank system for the storage of important document, see col.12 lines 45-50, wherein the consumers interface/communicate with this information bank by conventional means such as a telephone modem, or cable modem, see col.8 lines 30-55), outputting a certificate which authenticates the data item (see col.11 lines 20-40), inputting a new data item from the user (see abstract), and storing the new data item in the data file. (i.e., securely store important documents, see col.12 lines 45-50). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of



Art Unit: 3628

Barcelou with that of Paltenghe to provide for secure backup and storage; as well as for "ubiquitous and "nomadic" access to users in case of accident or emergency.

5. Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe in view of Barcelou.

**Re claims 20 and 23.** Paltenghe does not explicitly disclose the method wherein the selecting step includes the step of selecting an audible data item and pictorial data item. However, Barcelou discloses the method wherein in addition to the selection of regular ATM services, two additional retail services can be selected from the group consisting of audio services (i.e., audio services would inherently provide for audible data item selection), photographic services (i.e., photographic services would inherently provide for selection of pictorial data) etc. Thus it would have been obvious to combine the teachings of Barcelou to that of Paltenghe to provide the users with different service/data selection options.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova et al (Terranova hereinafter, US Pub no. 2001/0045457) in view of Paltenghe.

**Re claim 24.** Terranova discloses a method for data transaction, comprising the steps of: receiving an identification card from a user at a service station fueling pump (see fig.2 element 30); and outputting the selected data item to the user from the fueling pump (see fig.1 element 42, also see col.2 paras 0027). Terranova does not explicitly disclose providing secure access to a data file containing data items previously input by the user; selecting a data item from the data file, in response to a command from the

user. Paltenghe makes this disclosure (i.e., see "the information in this scenario is originally entered by the consumer," see col.10 lines15-20, also a remote information bank system for the storage of important document, see col.12 lines 45-50, wherein the consumers interface/communicate with this information bank by conventional means such as a telephone modem, or cable modem, see col.8 lines 30-55). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Terranovas with that of Paltenghe to provide for secure backup and storage; as well as for "ubiquitous and "nomadic" access to users in case of accident or emergency.

### ***Conclusion***

**The following prior arts of record cited but not relied upon are found pertinent to the present application:**

**Bharucha et al (US PAT: 6,680,937) discloses telecommunication network architecture for transporting FAX, VOICE AND DATA via an ATM SWITCH.**

**KONYA (US PAT: 5,937,396) discloses a system for ATM/ATM transfers.**

**Yuhara et al (US PAT:5,382,777) discloses a an automated teller machine with plurality of input means.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

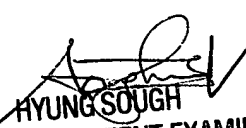
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone

Art Unit: 3628

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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